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**COPY MAILED**

**DEC 05 2005**

**OFFICE OF PETITIONS**

In re Application of	:	
Robert Charles Thomas	:	
Application No. 10/817,110	:	DECISION ON PETITION
Filed: April 2, 2004	:	UNDER 37 C.F.R. §1.181
Title: CELL CALIPER FOR DISC BRAKES	:	

This is a decision on the petition filed on November 7, 2005 under 37 C.F.R. §1.181, requesting that the holding of abandonment in the above-identified application be withdrawn.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action, mailed March 23, 2005, which set a shortened statutory period for reply of three (3) months. No response was received, and no extensions of time under the provisions of 37 C.F.R. §1.136(a) were requested. Accordingly, the above-identified application became abandoned on June 24, 2005. A notice of abandonment was mailed November 2, 2005.


With the present petition, Petitioner contends that the notice was not received, and has indicated that he has searched his files (where the missing communication would be located had it been received), and the missing communication has not been located.

Considering the facts and circumstances of the delay at issue, as set forth on petition, it is concluded that petitioner has met his burden of establishing that the mailing was not received.

Accordingly, the petition under 37 C.F.R. §1.181(a) is **GRANTED**. The holding of abandonment is **WITHDRAWN**.

Technology Center 3600 will be notified of this decision, so that the non-final Office action can be re-mailed, and the time period for response can be restarted.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

  
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